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10/031,381	01/18/2002	Yoshifumi Takamoto	NITT.0054	2298

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EXAMINER

FILIPCZYK, MARCIN R

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2163

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/031,381

Applicant(s)

TAKAMOTO ET AL.

Examiner

Marc R. Filipczyk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007 and 26 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This Action is responsive to Applicant's RCE request filed on March 26, 2007 and amendment submitted on February 20, 2007.

To expedite the process of examination Examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. amendments, 35 U.S.C. 112, objections and the like) set forth by the Examiner that Applicants provide and link to the most specific page and line numbers of the disclosure where the best support is found (see 35 U.S.C. 132).

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/26/07 has been entered.

New claims 12-14 are submitted. Claims 1-14 are now pending.

Priority

Application 10/031,381 is a national stage entry of PCT/JP99/05357 International Filing Date: 09/29/1999.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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Claims 1-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

Regarding claims 1-14, the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding claims 1, 4 and 10, the limitations of “second file management information including information of the location capable of being managed by the second operating system” and “converting... into said second file management information”, along with regard to claims 1 and 4, the limitation of “determining that the second host computer manages said file” were not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Examiner suggests amending the claims to more clearly claim the invention in view of the specification.

Claims 2, 3, 5-9 and 11-14 depend from claims 1, 4 and 10 respectively, and are therefore rejected on the same basis.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Regarding claims 1, 4 and 10, claim 1 being exemplary, the feature of “information of the location capable of being managed by the second operating system” is indefinite. It is not clear what the metes and bounds of capable are. Further it is not clear by what means or how the second OS could manage the information. The feature of “converting” is indefinite. It is not clear how the conversion of data takes place and where the alleged conversion is stored. Last, the feature of “second host computer manages said file” is indefinite. It is not clear how the second host can manage said file.

Claims 2, 3, 5-9 and 11-14 depend from claims 1, 4 and 10 respectively, and are therefore rejected on the same basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14 are rejected under 35 U.S.C. 102(e) as best as the Examiner is able to ascertain as being anticipated by Probert, Jr. et al (U.S. Patent No. 6,549,918), herein “Probert”.

Regarding claims 1, 2, 4, 5, 10 and 11, Probert discloses a storage system (fig. 2, 222 and 226) that is connected to a first host computer, which uses a first operating system for managing stored location information of a file using a first format, and that is connected to a second host

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computer, which uses a second operating system for managing stored location information of the file using a second format different from said first format, said storage system comprising: (fig. 2, abstract and col. 9, lines 40-45 and col. 14, lines 33-36)

a plurality of disk drives for storing data; (fig. 2, 236) and

a disk controller comprising an interface for connecting to said first host computer and said second host computer, and an interface for connecting to said disk drives; (fig. 2, items 228 and 238, and related text)

wherein,

said disk controller comprises: (fig. 2, items 228 and 238, and related text)

a means for holding stored location information of a file, which is stored in any one of said plurality of disk drives, in said second format, said stored location information of the file of the second format being corresponding to the stored location information of the file in said first format; (fig. 2, items 234 and 236, and related text)

a means for reading (mirroring) said file on the basis of the stored location information in said second format when access request to access said file is issued from said second host computer; (fig. 2, items 208, 222 and 226, and related text) and,

receiving an ID of a host computer and operating system (fig. 2, items 220, 224, 226, also see 212 and 240) and converting the stored location information of said file in said first format into stored location information in said second format (fig. 2, 230, 234, 236, col. 8, lines 10-16 and col. 14, lines 33-36) based on a fixed length block (col. 8, lines 7-10)

(Note 1: before files can be formatted the system must identify the other system's operating system and software version to set-up the criteria for conversion)

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(Note 2: every block of data may comprise different fixed length depending on the type of data stored such as text graph and other type)

Probert further discloses reading said file on the basis of the stored location information in said second format (figs. 2 and 5, items 208 and 236).

Regarding claim 3, Probert discloses said second format which has been converted is stored in a cache area in said storage system (col. 13, lines 3-12 and 45-48).

Regarding claims 6-8, Probert discloses said stored location information in said first format of said file is held in any one of said plurality of disk drives or both, first and second disk drives and disk drive may be accessed (fig. 2, items 208, 234, 236 and related text).

Regarding claim 9, Probert discloses exclusive control of an access request (col. 9, lines 41-49).

Regarding claims 12-14, Probert discloses the file management information comprises a block number and a partition of the location where the file is allocated (figs. 2 and 5, items 208 and 236, and related text).

Response to Arguments

Applicant's arguments and amendment filed on 2/20/07 have been fully considered but they are not persuasive. The arguments and responses are listed below.

Applicant notes that the amended claims overcome paragraph 35 U.S.C. 112 rejections.

Examiner disagrees. Applicant has not corrected all the issues raised in the office action. The currently amended claims raise new issues and are rejected accordingly. Applicant is reminded to provide a detailed citation linked to the specification and claims to support current and previous amended subject matter that is rejected under paragraph 35 U.S.C. 112 rejections. Examiner notes that Applicant has submitted support from the specification including relevant section on page 22, lines 1-8, however the claimed limitations are not fully taught by the disclosure.

Applicant argues in the response that Probert does not disclose converting data as claimed.

Examiner disagrees. First regarding Applicant's response, Examiner reminds the Applicant that every amended claim must be linked to the most specific page and line numbers of the disclosure where the best support is found (see 35 U.S.C. 132) and cannot include new subject matter not supported by the original disclosure.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., conversion of the information) are not clearly claimed and are rejected as best as Examiner can ascertain. Note, Probert discloses conversion includes data format conversion and conversion of access semantics (see abstract, fig. 2 and rejection above). On column 14, lines 33-36, Probert clearly discloses two different data formats for the same file including two different operating systems.

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Converting files clearly includes modifying the location of the file since the size of the file automatically is modified during the conversion.

With respect to all the pending claims 1-14, Examiner respectfully traverses Applicant's assertion based on the discussion cited above.

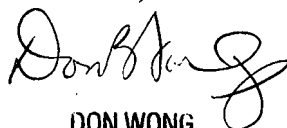
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R. Filipczyk whose telephone number is (571) 272-4019. The examiner can normally be reached on Mon-Fri, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MF
June 6, 2007


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